

CASE

NUMBER:

99 - 400

INDEX FOR CASE: 1999-400UAC
POWERTEL/KENTUCKY, INC.
Construct

CELL SITE - 635 STONEY POINT ROAD - DANVILLE

IN THE MATTER OF THE APPLICATION OF POWERTEL/KENTUCKY, INC.,
A DELAWARE CORPORATION, FOR ISSUANCE OF A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL
COMMUNICATIONS SERVICES FACILITY IN B-252 BASIC TRADING AREA

SEQ NBR	ENTRY DATE	REMARKS
0001	09/30/1999	Application.
M0001	10/01/1999	BRENT RICE POWERTEL-NOTIFICATION OF APPLICATION TO BE FILED
0002	10/15/1999	Acknowledgement letter.
0003	10/18/1999	No def. letter
M0002	11/15/1999	BRENT RICE POWERTEL-RETURN RECEIPTS FOR CORRESPONDENCE SENT CERTIFIED MAIL TO RESIDENTS
0004	12/27/1999	Final Order granting a Certificate to construct.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 1999-400 UAC
POWERTEL/KENTUCKY, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on December 27, 1999.

Parties of Record:

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
Counsel for Powertel/Kentucky, Inc.
McBrayer, McGinnis,
Leslie & Kirkland PLLC
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

Stephanie D. Bell
Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC., A)
DELAWARE CORPORATION, FOR ISSUANCE OF)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A PERSONAL) CASE NO.
COMMUNICATIONS SERVICES FACILITY IN B-252) 99-400-UAC
BASIC TRADING AREA (THE LV-0-267 FACILITY))

O R D E R

On September 30, 1999, Powertel/Kentucky, Inc. ("Powertel/Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 635 Stoney Point Road, Danville, Boyle County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 40' 32.8" by West Longitude 84° 42' 57.7".

Powertel/Kentucky has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to 807 KAR 5:063, Powertel/Kentucky has notified the local planning unit of the proposed construction. To date, no comments have been filed by the local planning unit. Powertel/Kentucky has filed applications with the Federal Aviation Administration

("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

Powertel/Kentucky has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments opposing the proposed construction have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Powertel/Kentucky should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Powertel/Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Powertel/Kentucky has demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Powertel/Kentucky is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 635 Stoney

Point Road, Danville, Boyle County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 40' 32.8" by West Longitude 84° 42' 57.7".

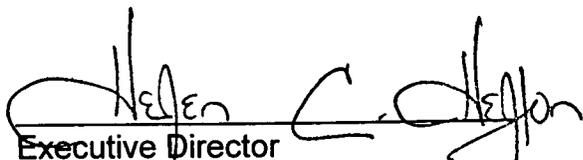
2. Powertel/Kentucky shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Powertel/Kentucky shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 27th day of December, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

October 18, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Brent Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

RE: Case No. 99-400 UAC
POWERTEL/KENTUCKY, INC.

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/sa
Enclosure

FOR THE PUBLIC RECORD
COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

FILED
SEP 30 1999
PUBLIC SERVICE
COMMISSION
RECEIVED
SEP 30 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC.,)
A DELAWARE CORPORATION, FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A PERSONAL) Case No. 99-400 UAC
COMMUNICATIONS SERVICES FACILITY IN)
B-252 BASIC TRADING AREA)
(THE LV-0-267 FACILITY))

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction is 635 Stoney Point Road,
Danville, Boyle County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER
JOHN R. MCGINNIS
PHILLIP BRUCE LESLIE *
WILLIAM D. KIRKLAND
J. D. ATKINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRAZIER, III +
STEPHEN C. CAWOOD
LISA ENGLISH HINKLE
WILLIAM R. PALMER, JR.
BRUCE W. MACDONALD *
LUKE BENTLEY III
STEPHEN G. AMATO
MARY ESTES HAGGIN
R. STEPHEN MCGINNIS ++
JON A. WOODALL
MARIA S. BUCKLES
MARGARET M. YOUNG
MELINDA G. WILSON
REBECCA L. BRIGGS
MARY ELIZABETH CUTLER
J. BRADFORD DERIFIELD ++
JARON P. BLANDFORD

* ALSO ADMITTED IN OHIO
** ALSO ADMITTED IN COLORADO
+ ALSO ADMITTED IN TEXAS & FLORIDA
++ ALSO ADMITTED IN WEST VIRGINIA

WATSON CLAY (1908-1985)
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS
P. O. BOX 280
GREENUP, KENTUCKY 41144-0280
606-473-7303
FACSIMILE 606-473-9003

300 STATE NATIONAL
BANK BUILDING
P. O. BOX 1100
FRANKFORT, KENTUCKY 40602-1100
502-223-1200
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS
MIKE HELTON
STATE NATIONAL BANK BUILDING
305 ANN STREET
SUITE 308
FRANKFORT, KENTUCKY 40601-2847
502-875-1176
FACSIMILE 502-226-6234

November 9, 1999

RECEIVED

NOV 15 1999

PUBLIC SERVICE
COMMISSION

Ms. Helen C. Helton, Executive Director
Public Service Commission
730 Schenkel Lane
Frankfort, KY 40602

RE: **Powertel/Kentucky, Inc. - PSC Case No. 99-400 UAC**
(The LV-0-267 Facility)

Dear Ms. Helton:

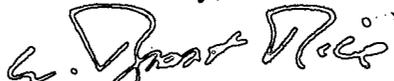
Please find enclosed the originals and one copy each of return receipts for correspondence forwarded via certified mail, return receipt requested, to the Danville-Boyle County Planning Commission and all property owners within 500' of the proposed facility referenced above. The following property owners have been notified:

Kenneth Terry and Stella Finley
403 Maple Avenue
Danville, KY 40422

Mrs. Mayo Warren Estate
222 East Carillo Street
Suite 310
Santa Barbara, CA 93101-2142

Please file the enclosed with the Commission at your earliest convenience. Thank you for your attention to this matter.

Sincerely,



W. Brent Rice
Counsel for Powertel/Kentucky, Inc.

WBR/dkw

Enclosures

Z 398 168 346



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to	
KENNETH TERRY AND STELLA	
Street and No.	
FINLEY	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date:	
9/30/99 LV-0-267	

Z 398 168 345



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to	
Danville Boye County Plan	
Street and No.	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date:	
9/30/99 LV-0-267	

Z 398 168 347



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to	
MRS. MAYO WARREN ESTATE	
Street and No.	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date:	
9/30/99 LV-0-267	



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

October 15, 1999

Allen E. Smith
President
Powertel/Kentucky, Inc.
1233 O.G. Skinner Drive
West Point, GA. 31833

Honorable W. Breant Rice
Attorney at Law
McBrayer, McGinnis,
Leslie & Kirkland
163 West Short Street
Suite 300
Lexington, KY. 40507 1361

RE: Case No. 99-400 UAC
POWERTEL/KENTUCKY, INC.
(Construct) CELL SITE - 635 STONEY POINT ROAD - DANVILLE

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received September 30, 1999 and has been assigned Case No. 99-400. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

FOR THE PUBLIC RECORD
COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

FILED
SEP 30 1999
PUBLIC SERVICE
COMMISSION
RECEIVED
SEP 30 1999
PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF POWERTEL/KENTUCKY, INC.,)
A DELAWARE CORPORATION, FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO CONSTRUCT A PERSONAL) Case No. 99-400 UAC
COMMUNICATIONS SERVICES FACILITY IN)
B-252 BASIC TRADING AREA)
(THE LV-0-267 FACILITY))

UNIFORM APPLICATION: CONFIDENTIAL AND PROPRIETARY

* The specific location of the proposed construction is 635 Stoney Point Road, Danville, Boyle County, Kentucky.

** This additional page is filed pursuant to 807 KAR 5:063 Section 5(2).

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

WWW.MMLK.COM

W. TERRY McBRAYER
JOHN R. MCGINNIS
PHILLIP BRUCE LESLIE *
WILLIAM D. KIRKLAND
J. D. ATKINSON, JR.
JAMES G. AMATO
GEORGE D. GREGORY **
BRENT L. CALDWELL
W. BRENT RICE
JAMES H. FRAZIER, III +
STEPHEN C. CAWOOD
CHRISTOPHER M. HILL
LISA ENGLISH HINKLE
WILLIAM R. PALMER, JR.
BRUCE W. MACDONALD *
LUKE BENTLEY III
STEPHEN G. AMATO
MARY ESTES HAGGIN
R. STEPHEN MCGINNIS ++
JON A. WOODALL
MARIA S. BUCKLES
MARGARET M. YOUNG
JULIE A. COBBLE
MELINDA G. WILSON
MARY ELIZABETH CUTTER
LINDA J. WEST
JARON P. BLANDFORD

* ALSO ADMITTED IN OHIO
** ALSO ADMITTED IN COLORADO
+ ALSO ADMITTED IN TEXAS & FLORIDA
++ ALSO ADMITTED IN WEST VIRGINIA

September 30, 1999

RECEIVED
OCT 07 1999
PUBLIC SERVICE
COMMISSION
WATSON CLAY (1908-1935)
OSCAR SANDERS (1908-1944)
MAIN & HARRIS STREETS
P. O. BOX 340
GREENUP, KENTUCKY 41744-0347
606-473-7303
FACSIMILE 606-473-9003

300 STATE NATIONAL
BANK BUILDING
P. O. BOX 1100
FRANKFORT, KENTUCKY 40602-1100
502-223-1200
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS
MIKE HELTON
STATE NATIONAL BANK BUILDING
305 ANN STREET
SUITE 308
FRANKFORT, KENTUCKY 40601-2847
502-875-1176
FACSIMILE 502-226-6234

Ms. Stephanie Bell
Secretary of the Commission
Kentucky Public Service Commission
P.O. Box 615
730 Schenkel Lane
Frankfort, KY 40601

RE: Case Number 99-400 UAC

Dear Ms. Bell:

This letter is to follow up my request for a case number on September 30, 1999. The application is on behalf of Powertel/Kentucky, Inc., for a cell site located at 635 Stoney Point Road, Danville, Boyle County, Kentucky. I was given Case Number 99-400 UAC. We intend to file the application no later than October 1, 1999. If there are any questions, you may contact the undersigned at our Lexington office (606)231-8780). Thank you for your attention to this matter.

Sincerely,



W. Brent Rice

WBR/dkw